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Attorneys for Crawford Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SAFECO INSURANCE COMPANY OF
AMERICA, a foreign corporation,

Plaintiff,

v.

RICHARD DAVID CRAWFORD, an individual;
HEATHER MARIE CRAWFORD, an individual;
and KENNEDY REESE CRAWFORD, an
individual; ETHAN MICHAEL MANSUETO, an
individual; DOE DRIVER I, an individual; DOE
OWNER I, an individual or entity of unknown
form; DOE DRIVERS II-V; DOE OWNERS II-V;
ROE EMPLOYERS I-X; and ROE COMPANIES
I-X, inclusive,

Defendants.

CASE NO.: 2:24-cv-01343

STIPULATION TO EXTEND
DISCOVERY DEADLINE
[FIRST REQUEST]

Good cause is present for this Stipulation under Local R. 26-3 (“A request made within 21 days of the subject deadline must be supported by a showing of good cause.”). In support of this Stipulation and Request, the parties state as follows:

1. Plaintiff filed its Complaint for Declaratory Relief on or about July 22, 2024.

- 1 2. The Crawford Defendants filed their Answer on or about September 5, 2024.
- 2 3. At the same time, the Crawford Defendants filed a Motion to Intervene on behalf of Defendant
- 3 Ethan Mansueto.
- 4 4. On September 23, 2024, the Crawford Defendants filed their Motion to Stay.
- 5 5. On October 23, 2024, the parties entered into a Stipulated Discovery Plan and Scheduling
- 6 Order in Compliant with LR 26-1(b).
- 7 6. The Crawford Defendants' Motions filed the have been fully briefed.
- 8 7. On November 18, 2024, the Plaintiff filed its Motion for Summary Judgment.
- 9 8. On December 9, 2024, the Crawford Defendants filed their Response to the Plaintiff's Motion
- 10 for Summary Judgment.
- 11 9. Plaintiff filed its Reply to the Crawford Defendants' Response to the Plaintiff's Motion for
- 12 Summary Judgment on December 23, 2024.
- 13 10. The Crawford Defendants, in the underlying action against ETHAN MANSUETO, have
- 14 served discovery upon Mr. MANSUETO and have noticed his deposition.
- 15 11. The parties wish to have the above Motions ruled upon prior to the Initial Expert Disclosures
- 16 in an effort to not incur costs depending on how the Motions are ruled upon.
- 17
- 18
- 19

20 As an overview, stipulations to extend discovery must be supported by good cause for the
21 extension. Local R. 26-3. A request made within 21 days of the expiration of a deadline that the Parties
22 seek to extend must also be supported by a showing of good cause. *Id.* To establish good cause, the Court
23 looks to the diligence of the party that seeks the extension. See *Safeco Ins. Co. of Am. v. Air Vent, Inc.*,
24 Case No. 2:20-cv-1579, 2021 U.S. Dist. LEXIS 95692, at *1 (D. Nev. May 19, 2021) (citing *Coleman v.*
25 *Quaker Oats Co.*, 232 F.3d 1271, 1294-95 (9th Cir. 2000)). Good cause is present if the deadline at issue
26 "cannot reasonably be met despite the diligence of the party seeking the extension." *Johnson v. Mammoth*
27 *Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992). As such, the instant Stipulation follows.

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff SAFECO INSURANCE COMPANY OF AMERICA by and through its counsel JONATHAN W. CARLSON, ESQ. of McCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP and the CRAWFORD Defendants, by and through their attorneys JOSHUA BERRETT, ESQ. and DAVID FINEGOLD, ESQ. of BIGHORN LAW that certain discovery deadlines be extended by ninety (90) days, as set forth below, to allow the Parties to complete discovery prior to trial.

I. STATEMENT SPECIFYING DISCOVERY THAT HAS BEEN COMPLETED

To date, the Parties have completed the following discovery:

- The Parties participated in the FRCP 26(f) conference.
- The Parties served their FRCP 26(a)(1) initial disclosures.
- The Crawford Defendants, in the underlying action against ETHAN MANSUETO, have served discovery upon Mr. MANSUETO and have notice his deposition.

II. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE COMPLETED

The Parties have yet to complete the following discovery:

- Written discovery
- FRCP 30(b)(6) witness depositions
- Crawford Defendants' depositions
- The Parties will assess the need for and, if appropriate, propound additional written discovery requests.
- The Parties intend to serve supplements to written discovery responses and disclosures.

III. REASONS WHY DISCOVERY REMAINING WAS NOT COMPLETED WITHIN DEADLINES CONTAINED IN DISCOVERY PLAN AND SCHEDULING ORDER

Since the commencement of discovery, the Parties have been working amicably together to gather relevant documents, issue necessary discovery, engage in expert discovery, and depose necessary parties

and witnesses. However, as set forth above, the parties have been unable to conclude discovery for the following reasons:

- The parties are waiting for the Motions to be ruled upon so that they know the issues of the cases.
- The Crawford Defendants are awaiting Defendant ETHAN MANSUETO's responses to discovery and deposition.

Due to the issues stated above, the Parties respectfully request an additional ninety (90) days to complete adequate and vital discovery to prepare for trial in this matter, as well as pursue avenues of alternative dispute resolution.

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery regarding offsets in this case and adequately prepare their respective cases for trial.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

As a result of the above, it is requested that the discovery deadlines in this case be continued ninety (90) days from their present deadlines, as follows:

1. **Discovery Cut-Off Date:** The Parties jointly propose that the discovery cut-off date be extended ninety (90) days from its present deadline of March 4, 2025, to June 2, 2025.
2. **Amending the Pleadings and Adding Parties:** The Parties acknowledge that the deadline to amend the pleadings and add parties has passed; as such, the Parties do not seek to extend this deadline.
3. **Fed. R. Civ. P. 26(a)(2) Disclosure of Experts:** The Parties propose that the initial disclosure of experts be extended ninety (90) days from the present deadline of January 3, 2025, to April 3, 2025 and rebuttal experts be extended ninety (90) days from the present deadline of February 3, 2025 to May 5, 2025.

1 4. **Dispositive Motions:** In the event that the discovery period is extended from the discovery
2 cut-off date set forth in the applicable Discovery Plan and Scheduling Order, the Parties jointly propose
3 that the date for filing dispositive motions be extended ninety (90) days from its present deadline of April
4 3, 2025, to July 2, 2025.

5
6 5. **Pre-Trial Order:** The Parties jointly propose that the date for filing the joint pre-trial
7 order, which is currently set for May 5, 2025, be extended ninety (90) days to August 4, 2025. In the event
8 that dispositive motions are filed, the Parties jointly propose that the date for filing the joint pre-trial order
9 be suspended until thirty (30) days after decision on dispositive motions or until further Order of this
10 Court. In the further event that the discovery period is extended from the discovery cut-off date set forth
11 in the applicable Discovery Plan and Scheduling Order, the Parties jointly propose that the date for filing
12 the joint pre-trial order be extended in accordance with the time periods set forth in this Paragraph.

13
14 6. **Fed. R. Civ. P. 26(a)(3) Disclosure:** The disclosure by FRCP 26(a)(3), and any objections
15 thereto, shall be included in the joint pre-trial order.

16
17 7. **Alternative Dispute Resolution:** Counsel for the Parties certify that they met and
18 conferred about the possibility of using alternative dispute resolution, including mediation, and/or early
19 neutral evaluation. The Parties have not scheduled any such ADR forum at this point.

20 8. **Alternative Forms of Case Disposition:** The Parties certify that they discussed consenting
21 to trial by a magistrate judge or engaging the Short Trial Program under FRCP 37 and, at present, do not
22 consent to either alternative form of case disposition.

23 9. **Electronic Evidence:** The Parties certify that they have discussed and intend to use
24 electronic evidence at the trial of this matter and will ensure that said evidence is in electronic format
25 compatible with the Court's electronic jury evidence display system. At present, the Parties have not
26 agreed upon any stipulations regarding the use of electronic evidence but will address this issue again the
27 joint pre-trial order.
28

10. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than twenty-one (21) days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.

DATED this 27th day of December, 2024.

BIGHORN LAW

By: /s/ David Finegold

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Attorneys for Plaintiff

ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED this 31st day of December 2024.

Respectfully submitted by:

BIGHORN LAW

By: /s/ David Finegold, Esq.

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Attorneys for Crawford Defendants

[External] Re: Safeco v. Crawford

1 message

Jonathan Carlson <Jonathan.Carlson@mccormickbarstow.com>

Wed, Dec 25, 2024 at 7:25 PM

To: Keli Grett <keli@bighornlaw.com>

Cc: "David Finegold Esq." <david@bighornlaw.com>, Pamela McGaha <Pamela.McGaha@mccormickbarstow.com>

Looks good. Please feel free to esign for me. Thanks.

Sent from my iPhone

Jonathan Carlson

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On Dec 24, 2024, at 1:05 PM, Keli Grett <keli@bighornlaw.com> wrote:

Good afternoon -
attached find the Stipulation and Order to Extend Discovery Deadlines (First Request) for review. Please track any changes/additions.
Thank you -

**Keli Grett**
Litigation Manager

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